

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Defendant Daniel N. Gordon answers the Complaint filed in this matter as follows:

1.

16 With respect to paragraph 1, Defendant admits that the Plaintiff is asserting a claim for  
17 damages under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter  
18 "FDCPA"), the Revised Code of Washington ("RCW") Chapter 19.16, and an ancillary claim for  
19 invasion of privacy by intrusion. Defendant denies the remaining allegations in paragraph 1 of  
20 the Complaint.

2.

22 Defendant lacks sufficient information to either admit or deny paragraph 2 and therefore  
23 denies the same.

3.

25 Defendant lacks sufficient information to either admit or deny paragraph 3 and therefore  
26 denies the same.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES  
(3:09-cv-05362-JRC) – PAGE 1

**McEWEN GISVOLD LLP**  
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Portland, Oregon 97204

1 4.

2 Defendant lacks sufficient information to either admit or deny paragraph 4 and therefore  
3 denies the same.

4 5.

5 With respect to paragraph 5, Defendant admits that it is an Oregon corporation and that  
6 part of its business is collecting the debts of others by mail and telephone. Defendant lacks  
7 sufficient information to either admit or deny the remaining allegations in paragraph 5 and  
8 therefore denies the same.

9 6.

10 With respect to paragraph 6, Defendant admits that it is an Oregon corporation and that  
11 part of its business is collecting the debts of others by mail and telephone. Defendant lacks  
12 sufficient information to either admit or deny the remaining allegations in paragraph 6 and  
13 therefore denies the same.

14 7.

15 With respect to paragraph 7, Defendant admits contacting the Plaintiff at various and  
16 multiple times prior to the date of the filing of the complaint. Defendant denies the remaining  
17 allegations in paragraph 7.

18 8.

19 Defendant denies paragraph 8.

20 9.

21 Defendant denies paragraph 9.

22 10.

23 Defendant answers paragraph 10 as set forth above.

24 11.

25 Defendant answers paragraph 11 as set forth above.

26 //

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES  
(3:09-cv-05362-JRC) - PAGE 2

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12.

2 Defendant answers paragraph 12 as set forth above.

3 **For its First Affirmative Defense**, Defendant alleges:

4 (Failure to State a Claim for Relief)

5 13.

6 Plaintiff has failed to state a claim upon which relief may be granted.

7 **For its Second Affirmative Defense**, Defendant alleges:

8 (Statute of Limitations)

9 14.

10 One or more of Plaintiff's claims are barred by the applicable statute of limitations.

11 **For its Third Affirmative Defense**, Defendant alleges:

12 (Bona Fide Error)

13 15.

14 To the extent that there is any violation of the FDCPA proven by Plaintiff, any such  
15 violation was not intentional, and resulted from a bona fide error, notwithstanding the  
16 maintenance of procedures reasonably adapted to avoid any such error.

17 WHEREFORE, Defendant prays for the dismissal of the Complaint with prejudice and  
18 for an award of its reasonable costs and disbursements incurred in this matter.

19 DATED this 20<sup>th</sup> day of August, 2009.

20 McEWEN GISVOLD LLP

21 By: /s/ J. Kurt Kraemer

22 J. Kurt Kraemer, WSB No. 29509  
23 Of Attorneys for Defendant Daniel N. Gordon, PC

24  
25  
26  
DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES  
(3:09-cv-05362-JRC) – PAGE 3

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